

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

Northern California River Watch,

No. C 05-2879 WDB

Plaintiff,

ORDER FOLLOWING MARCH 1,
2006, FURTHER CASE
MANAGEMENT CONFERENCE

v.

Bo Dean Co., et al.,

Defendants.

On March 1, 2006, the Court held a Further Case Management Conference in the above-referenced case. For reasons stated on the record, the Court ORDERS as follows:

1. On Friday, March 3, 2006, defense counsel Fitzpatrick will consult with defense experts regarding the list of demands prepared by plaintiff in connection with the parties' recent mediation.

2. The Court anticipates that the March 3, 2006, consultation process will generate some questions regarding plaintiff's demands. Defendant must promptly communicate any such questions to plaintiff. **By March 24, 2006**, plaintiff must respond to those questions.

3. **Also by March 24, 2006**, plaintiff's counsel must complete walk-through site inspections of the two relevant sites. An engineer or other appropriately knowledgeable person employed by defendant must accompany plaintiff's counsel on these inspections.

1 Plaintiff's counsel may, but is not required to, bring his own expert. Defense counsel is also
2 permitted to attend the inspections.

3 The fact that plaintiff has conducted these preliminary site inspections will not
4 preclude it from conducting more thorough inspections later in the litigation, if such
5 inspections prove necessary.

6 4. After completing the steps outlined above, the parties must assess whether a
7 further mediation session with Mr. George would be productive. If both parties believe that
8 a further mediation might prove productive, they must promptly schedule such a session --
9 and it must be completed **by the end of April, 2006.**

10 3. If, after (or before) the further mediation session, the parties believe that they are
11 close to resolving the case, they may jointly request a short continuance of the May 10th case
12 management conference scheduled below.

13 4. **By noon on Monday, May 8, 2006**, each party must file a (separate) Case
14 Management Conference Statement. The statements must, at a minimum, contain the party's
15 proposed discovery plan, anticipated motion practice (if any), and the party's preference for
16 the month in which trial should be held.

17 5. **On May 10, 2006, at 1:30 p.m.**, the Court will hold a further telephonic Case
18 Management Conference. Defense counsel must initiate the conference call, get all parties
19 on the line, then call the Court's conference call line at (510) 637-3326.

20 IT IS SO ORDERED.

21 Dated: March 1, 2006

22 /s/ Wayne D. Brazil
23 WAYNE D. BRAZIL
24 United States Magistrate Judge

25 Copies to:
26 All parties,
27 WDB.
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